

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KEVIN P. ETZKORN, individually, and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:17-cv-02836-JAR
	)	
3 DAY BLINDS LLC, a Delaware limited	)	
liability company doing business in Missouri	)	
as 3DB of MO LLC, its registered name,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION TO DISMISS**

COMES NOW Plaintiff Kevin P. Etzkorn, by his undersigned counsel, and for his Motion to Dismiss states:

1. The Court granted final approval of this class action settlement on October 22, 2018. Dkt. #38.
2. The parties have filed a Joint Report and Recommendation for Distribution of Unused Settlement Funds, seeking distribution of remaining unused fund to the claims administrator. Dkt. #40.
3. Defendant has satisfied all obligations contained in the settlement agreement of the parties and made part of the final approval order. The settlement agreement provides that Plaintiff will file this motion to dismiss.

WHEREFORE, Plaintiff moves for a dismissal of this cause of action with prejudice pursuant to Fed. R. Civ. P. 23(e), award of unused settlement funds to the Claims Administrator, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,  
THE SMITH LAW FIRM, LLC

/s/ Neil Smith  
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*Attorney for Plaintiff and proposed  
Class*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24<sup>th</sup> day of July, 2019, the foregoing was filed electronically with the Clerk of the court for the United States District Court for the Eastern District of Missouri, Eastern Division.

/s/ Neil Smith